

**IN THE UNITED STATES DISTRICT COURT  
FOR THE STATE OF NEW MEXICO**

**STATE OF NEW MEXICO, *ex rel.*  
State Engineer**

**Plaintiff,**

**v.**

**RAMON ARAGON, *et al.*,**

**Defendants.**

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*69cv07941 JEC-ACE*

**RIO CHAMA STREAM SYSTEM  
Section 3: Rio Nutrias, Rio Cebolla  
Canjilon Creek**

**NEW MEXICO'S MOTION TO AMEND PROCEDURAL ORDER  
ENTERED JULY 25, 2000**

COMES NOW the plaintiff, State of New Mexico, *ex rel.*, State Engineer ("State") and moves the Court to amend to procedural order entered July 25, 2000 (Docket No. 5913), and in support of this motion states as follows:

1. Under the procedural order entered July 25, 2000, claimants are required to either approve the State's proposed Consent Order or file an Answer with the Court by August 17, 2001. Although the State has completed a significant amount of field work in connection with claims for water rights in Section 3, a considerable amount of field work remains to be done. The State will be unable to review all outstanding claims and respond to these claims for several months or more. Therefore, the State requests that the Court amend paragraphs II (A) (1), II (B) (2) and II (C) (2) as follows:

**Paragraph II (A) (1):**

1. Claimants who agree with all the elements of the water rights claims as set out in the proposed Consent Order(s) shall sign and return each order to the

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State on or before December 28, 2001. The State shall transmit the signed orders to the Court for approval and filing.

Paragraph II (B) (2):

2. Claimants who reject the proposed Consent Order after discussion with the State at a field office shall file the Form Answer included in the service packet with the Court on or before December 28, 2001, and mail a copy of the Answer to the State.

Paragraph II (C) (2):

2. A claimant's failure to sign and return a Consent Order or file an Answer by December 28, 2001, shall be considered grounds for the entry of a Default Order which incorporates the State's proposed Consent Order. The State shall request the Clerk of the Court, under Rule 55(a), to enter the default of claimants who have failed to sign and return a Consent Order or file an Answer by December 28, 2001. Provided, (1) no default shall be entered against any claimant who has not been properly served with process or waived such service; (2) no default will be entered until a claimant has had at least 30 days to review a proposed Consent Order sent by the State; and (3) no default shall be entered if a claimant is engaged in good faith negotiations with the State concerning the terms of a proposed Consent Order, unless the State requests in writing that the claimant file an Answer to the Complaint within 30 days.

2. Under paragraph II (D) (1) of the procedural order entered July 25, 2000, the State is required to request hearings for all disputed claims for which Answers are filed by September 28,


2001. The State requests that the Court amend paragraph II (D) (1) as follows:

Paragraph II (D) (1):

1. By October 4, 2002, the State shall request hearings for all disputed claims for which Answers are filed. Requests shall include a statement that the State made a good faith attempt to resolve the disagreement with the Claimant.
  3. Counsel for the Association de Acequias Nortenas supports the granting of this motion.
- WHEREFORE the State requests the Court to amend paragraphs II (A) (1), II (B) (2), II (C) (2) and II (D) (1) of the procedural Order entered July 25, 2000.

DATED August 3, 2001

Respectfully submitted,

  
EDWARD G. NEWVILLE  
Special Assistant Attorney General  
Office of the State Engineer  
P.O. Box 25102  
Santa Fe, NM 87504-5102  
(505) 827-6150

**CERTIFICATE OF SERVICE**

I certify that the foregoing Motion to Amend Procedural Order Entered July 25, 2000, was mailed to the following persons on August 3, 2001.

  
Edward G. Newville

Special Master Vickie L. Gabin  
USDC-DCNM  
P.O. Box 2384  
Santa Fe, NM 87504-2384

Darcy S. Bushnell, Esq.

Adjudication Staff Attorney  
USDC-DCNM  
333 Lomas Blvd. NW, Box 610  
Albuquerque, NM 87102-2272

Karla McCall, Data Manager.  
4 Darrah Rd.  
Las Lunas, NM 87031

Bradley S. Bridgewater, Esq.  
David W. Gehlert, Esq.  
USDOJ-ENRD  
999 18th St., Suite 945  
Denver, CO 80202

John W. Utton, Esq.  
P.O. Box 271  
Albuquerque, NM 87103-0271

Fred J. Waltz, Esq.  
P.O. Box 6390  
Taos, NM 87571

Wilfred Gutierrez, Chair  
NM Acequia Commission  
P.O. Box 190  
Velarde, NM 87582

Paula Garcia  
NM Acequia Association  
P.O. Box 1229  
Santa Cruz, NM 87567